

Notice of Allowability

Application No.

09/839,887

Examiner

Nikolas J. Uhler

Applicant(s)

WILLETT, KEVIN R.

Art Unit

1773

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 08/09/2004.
2. ☒ The allowed claim(s) is/are 1-20, 23, 24, 26, 33-44 and 46-50.
3. ☒ The drawings filed on 20 April 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 08312004.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

D. S. NAKARANI
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Brian Shaw on 08/30/2004.

The application has been amended as follows:

- **Specification, page 3:** -- Figure 11 is a perspective view of a further construction of the weatherseal including the surface film -- has been inserted after line 33.
- **Claim 1: line 4:** "on a portion" has been deleted and -- on an exterior portion -- has been inserted therefor. **Line 5:** "on a portion" has been deleted and -- on an exterior portion -- has been inserted therefor
- **Claim 5: line 4:** "adjacent the first portion" has been deleted and -- adjacent an exposed surface of the first portion -- has been inserted therefor. **Line 5:** "adjacent the second portion" has been deleted and -- adjacent an exposed surface of the second portion -- has been inserted therefor.
- **Claim 10: line 4:** "adjacent the first" has been deleted and -- adjacent an exterior of the first -- has been inserted therefor. **Line 5:** "adjacent the second" has been deleted and -- adjacent an exterior of the second -- has been inserted therefor.

- **Claim 20: line 7:** "at least a portion of" has been deleted and -- at least an exterior portion -- has been inserted therefor. **Line 8:** "at least a portion of" has been deleted and -- at least an exterior portion -- has been inserted therefor.
- **Claim 35: line 4:** "on the first portion" has been deleted and -- on an exterior surface of the first portion -- has been inserted therefor. **Line 5:** "on the second portion" has been deleted and -- on an exterior surface of the second portion -- has been inserted therefor.
- **Claim 40: line 5:** "directly adjacent a portion" has been deleted and -- directly adjacent an exterior portion -- has been inserted therefor. **Line 6:** "directly adjacent a portion" has been deleted and -- directly adjacent an exterior portion -- has been inserted therefor.
- **Claim 42: line 4:** "directly on the first portion" has been deleted and -- directly on an exterior of the first portion -- has been inserted therefor. **Line 5:** "directly on the second portion" has been deleted and -- directly on an exterior of the second portion -- has been inserted therefor.
- **Claim 44: line 4:** "on at least a portion of a" has been deleted and -- on at least a portion of an exterior -- has been inserted therefore. **Line 5:** "on at least a portion of a surface" has been deleted and -- on at least a portion of an exterior surface -
- has been inserted therfor.
- **Claim 50: lines 4-5:** "directly adjacent at least a portion of the sealing portion and the trim portion," has been deleted and -- directly adjacent at least an

exterior portion of both the sealing portion and the trim portion, -- has been inserted therefor.

- **Claim 56: Lines 4-5:** "a heat fusible thermosetting powder coating directly on the sealing portion and directly on the carrier portion" has been deleted and -- a heat fusible thermosetting powder coating directly on an exterior of the sealing portion and directly on the exterior of the carrier portion -- has been inserted therefor.
- **Claim 61: line 4:** "a colliquefiable thermosetting powder coating directly on at least a portion of" has been deleted and -- a colliquefiable thermosetting powder coating directly on at least an exterior portion of -- has been inserted therefor.

Reasons for Allowance

2. The following is an examiner's statement of reasons for allowance: The closest prior art references to the instant invention are US4994311 to Junker, and US5545448 to Ford in view of US58207608 to Rinehart.

3. Junker, while teaching a sinterable powder coating for a weather seal, is solely directed towards forming islands of sintered powder on the surface of the weather seal. Junker thus fails to teach a heat fusible or colliquefiable powder coating on the surface of a weather seal that is selected to fuse or colliquefy into a continuous/contiguous surface film as required by the instant claims. There is no teaching in the prior art to modify Junker so as to arrive at the instant invention.

4. Ford teaches a solvent-based color spray coating for the surface of an automotive weatherseal. The spray coating has a specific chemistry that is designed to provide high adhesion to the surfaces of a weather seal. Rinehart teaches that solvent

based spray coatings have negative impacts on the environment as a result of the solvent, and teaches that solvent free powder coatings are a substitute for these spray coatings, and avoid these harmful effects. Further, Rinehart discloses that such a powder coating can be applied to an extruded article (note: the weather seal of Ford is an extruded article). However, there is no teaching or suggestion in Rinehart that a solvent free powder coating will be able to achieve the same level of adhesion or better than that of the solvent based spray coating of Ford. Given that Ford is expressly directed towards forming a coating having high adhesion to a weather seal, and requires a specific solution chemistry to obtain this goal, without a teaching that the powder coating of Rinehart can exhibit the same level of adhesion of better as the Ford solvent based spray coating, one of ordinary skill in the art would not be motivated to substitute the Rinehart powder coating for the spray coating in Ford.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nikolas J. Uhler whose telephone number is 571-272-1517. The examiner can normally be reached on Mon-Fri 7:30 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Deborah Jones can be reached on 571-272-1535. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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